

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

ANGELICA GUILLEN

Plaintiff,

v.

NATIONWIDE INSURANCE COMPANY
OF AMERICA

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:15-cv-86

NOTICE OF REMOVAL

Defendant, Nationwide Insurance Company of America (“Defendant”), through undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, files this Notice of Removal of the captioned action *Angelica Guillen v. Nationwide Insurance Company of America*; Cause No. 15-06-31605-MCVAJA, in the 365th District Court of Maverick County, Texas.

BACKGROUND

1. Plaintiff Angelica Guillen (hereinafter “Plaintiff”) initiated the present action by filing her Original Petition in Cause No. 15-06-31605-MCVAJA, in the 365th District Court of Maverick County, Texas on June 30, 2015 (the “State Court Action”). *See* Plaintiff’s Original Petition, attached as Exhibit A. The Original Petition was served on Defendant through its registered agent on June 29, 2015. *See id.*

2. Defendant filed its Original Answer on August 14, 2015, asserting a general denial to the claims and allegations made in Plaintiff’s Original Petition. *See* Defendant’s Original Answer, attached as Exhibit B.

II. DIVERSITY JURISDICTION

3. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the matter is removable to this Court pursuant to 28 U.S.C. § 1441(a) because there is complete diversity of citizenship between the properly joined parties and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

A. Diversity of Parties

4. Plaintiff is domiciled in Maverick County, Texas. Pursuant to 28 U.S.C. § 1332(a), therefore, Plaintiff is a citizen of the State of Texas.

5. Nationwide Insurance Company of America is organized under the laws of Ohio and maintains its principal place of business in Columbus, Franklin County, Ohio. Pursuant to 28 U.S.C. § 1332(c)(1), therefore, Scottsdale is a citizen of the State of Ohio

6. Accordingly, there is complete diversity between the parties.

B. Amount in Controversy

7. Plaintiff's Original Petition states that Plaintiff "seeks monetary relief of over \$100,000, but not more than \$200,000 including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees." *See* Plaintiff's Original Petition, Exhibit A, ¶ 69. The threshold for diversity jurisdiction, \$75,000, is admitted by Plaintiffs in their initial pleading.

8. Accordingly, the amount in controversy requirement is satisfied.

III. CONCLUSION

9. Removal is proper pursuant to 28 U.S.C. § 1332 as there is complete diversity between Plaintiff and Defendant, the amount in controversy exceeds \$75,000, and Defendant is not a citizen of the state in which this case was brought.

10. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant will give written notice of the removal to Plaintiff through her attorneys of record, and to the clerk of the 365th Judicial District Court of Maverick County, Texas.

Respectfully submitted,

/s/ Patrick M. Kemp

Patrick M. Kemp

Texas Bar No. 24043751

pkemp@smsm.com

Robert R. Russell

Texas Bar No. 24056246

rrussell@smsm.com

Segal McCambridge Singer and Mahoney

100 Congress Ave., Suite 800

Austin, Texas 78701

Telephone: (512) 476-7834

Facsimile: (512) 476-7832

**ATTORNEYS FOR DEFENDANTS,
NATIONWIDE INSURANCE COMPANY OF
AMERICA**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served upon the following counsel of record via certified mail, return receipt requested on this 14th day of August, 2015.

Bill L. Voss

Scott G. Hunziker

Tyler Bleau

The Voss Law Firm, P.C.

26619 Interstate 45 South

The Woodlands, Texas 77380

7196 9008 9111 1861 4044

/s/ Patrick M. Kemp

Patrick M. Kemp